

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK STEVEN PHILLIPS,

Defendant.

8:13CR31

ORDER

Defendant Mark Steven Phillips appeared before the court on October 1, 2018, on a Petition for Warrant or Summons for Offender Under Supervision [38]. Defendant was represented by Assistant Federal Public Defender Kelly M. Steenbock, and the government was represented by Assistant U.S. Attorney Kelli L. Ceraolo. Defendant waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(b)(1)(A). The government moved for detention, and Defendant waived his right to a detention hearing upon coming into federal custody. Defendant has therefore failed to meet his burden to establish by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1).

I find that the Petition [38] alleges probable cause and that Defendant should be held to answer for a final dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. The government's motion for detention of Mark Steven Phillips is granted upon Defendant coming into federal custody.
2. Defendant shall be returned to the custody of the Thurston County, Nebraska authorities pending the final disposition of this matter and the U.S. Marshal for the District of Nebraska is directed to place a detainer with the correctional officer having custody of Defendant.
3. A final dispositional hearing on the Petition for Warrant or Summons for Offender Under Supervision [38] will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza,

Omaha, Nebraska, on December 6, 2018, at 11:00 a.m. Defendant must be present in person.

4. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
5. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
6. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for an appearance in connection with a court proceeding.

Dated this 1st day of October, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge